

19880517

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF

TUESDAY, MAY 17, 1988

AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:56 a.m. The meeting was recessed by Mayor O'Connor at 12:10 p.m. to meet into Closed Session at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:35 p.m. with Council Members Wolfsheimer, McColl, Pratt and Filner not present. Mayor O'Connor introduced and welcomed Caltrans Director, Robert K. Best. The meeting was recessed at 4:40 p.m. by Mayor O'Connor to convene as the Housing Authority. Mayor O'Connor reconvened the meeting at 5:55 p.m. with Council Members Wolfsheimer and McColl not present. Mayor O'Connor adjourned the meeting at 5:55 p.m. into Closed Session on Wednesday, May 18, 1988 at 5:00 p.m. and on Tuesday, May 31, 1988 at 9:30 a.m. to discuss pending litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
  - (1) Council Member Wolfsheimer-excused by R-271148  
(City business in Washington, D.C.)
  - (2) Council Member Roberts-present
  - (3) Council Member McColl-present
  - (4) Council Member Pratt-present
  - (5) Council Member Struiksma-present
  - (6) Council Member Henderson-present
  - (7) Council Member McCarty-present
  - (8) Council Member Filner-present
- Clerk-Abdelnour;Fishkin (jb;tm)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-not present
- (2) Council Member Roberts-present
- (3) Council Member McColl-present
- (4) Council Member Pratt-present
- (5) Council Member Struiksma-present

- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

ITEM-330: CONTINUED TO MAY 31, 1988, AT 10:00 A.M.

Appeal of the Committee to Save the Bike Path, by Norma S. Damashek, from the decision of the Planning Commission in approving, with modified conditions, Hillside Review/Resource Protection Overlay Zone Permit HRP/RPP-87-0698, proposing to construct a 3,200 square foot single-family residence. The subject property is described as a portion of Pueblo Lot 1258 of Pueblo Lands of San Diego, Miscellaneous Map-36 (approximately 0.63 acres), and is located to the southwest of the Rosemont and Draper Streets junction, to the west of Avenida Wilfredo, in Zone R1-40000 (HR Overlay), in the La Jolla Community Plan area. (HRP/RPP-87-0698. District-1.)

Subitem-A: (R-88- )

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-87-0698 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-88- )

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

FILE LOCATION: PERM - HRP-87-0698; RPP-87-0698

COUNCIL ACTION: (Tape location: A020-065.)

MOTION BY ROBERTS TO CONTINUE TO MAY 31, 1988, AT 10:00 A.M., AT HIS REQUEST. DIRECT THE CITY MANAGER TO RESPOND TO COUNCIL MEMBER FILNER'S REQUEST TO LOOK AT THE FEASIBILITY OF TRADING THIS PARCEL FOR ANOTHER CITY-OWNED PARCEL, OR USING OPEN SPACE MONEY TO PURCHASE IT. Second by McCarty. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-331:

(Continued from the meetings of February 4, 1988, Item 609, and April 12, 1988, Item 331; last continued at Council

Member Henderson's request, to allow time for review by the Planning Group.)

Matters of the following variance requests from the Interim Development Ordinance (IDO):

- a) A variance request from the Interim Development Ordinance (IDO) to construct a 3 unit project (includes proposed units and any existing units). The subject property is located at 3776 Jewell Street and is described as Lots 41 and 42 of Block 35 according to Maps 895 and 894. The R-1500 zoned site is within the Pacific Beach Community Plan area.  
Case-87-3005 (Accelerated) (District-6.)
- b) A variance request from the Interim Development Ordinance (IDO) to construct a 4 unit project (includes proposed units and any existing units). The subject property is located at 1672 Missouri Street and is described as Lot 12, Block A, Kendricks Addition, Map-1873. The R-1500 zoned site is within the Pacific Beach Community Plan area.  
Case-87-2004 (Accelerated) (District-6.)
- c) A variance request from the Interim Development Ordinance (IDO) to construct an 8 unit project (includes proposed units and any existing units). The subject property is located at 1931 and 1939 Chalcedony Street and is described as Assessor Parcel Nos. 416-451-05 and 06. The R-1500 zoned site is within the Pacific Beach Community Plan area.  
Case-87-4011 (Non-accelerated) (District-6.)

Subitem-A: (R-88- ) CONTINUED TO JUNE 6, 1988  
Adoption of a Resolution granting or denying the variance request for Case-87-3005 with appropriate findings to support Council action.

Subitem-B: (R-88- ) CONTINUED TO JUNE 6, 1988  
Adoption of a Resolution granting or denying the variance request for Case-87-2004 with appropriate findings to support Council action.

Subitem-C: (R-88- ) CONTINUED TO JUNE 28, 1988, AT  
10:00 A.M.  
Adoption of a Resolution granting or denying the variance request for Case-87-4011 with appropriate findings to support Council action.

FILE LOCATION: ZONE IDO Variance - Case-87-3005;  
Case-87-2004; Case-87-4011

COUNCIL ACTION: (Tape location: A070-B412.)

Hearing began at 11:00 a.m. and halted at 12:07 p.m.  
Council Member Pratt left at 11:50 a.m.  
Council Member Struiksma left at 11:55 a.m.  
Testimony in favor of

Subitem A by Peter Schipa.  
Testimony in favor of

Subitem B by Donald Kramer.  
Testimony in favor of

Subitem C by Sam Marini.  
Motion by Henderson to deny the variance for

Subitem A. No  
second.  
Motion by McCarty to grant the variance for

Subitem A. Second  
by Roberts. Motion withdrawn.  
Motion by Henderson to continue to June 6, 1988, at his request.  
Failed: Yeas-3,5,6,M. Nays-2,4,7,8. Not present-1.  
Motion by McCarty to grant the variance for

Subitem A. Second  
by Roberts. Failed: Yeas-2,4,7,8. Nays-3,5,6,M. Not  
present-1.  
MOTION BY McCARTY TO CONTINUE SUBITEM A TO JUNE 6, 1988, AT HER  
REQUEST. Second by Roberts. Passed by the following vote:  
Wolfsheimer-not present, Roberts-yea, McColl-yea, Pratt-yea,  
Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor  
O'Connor-yea.  
MOTION BY McCARTY TO CONTINUE SUBITEM B TO JUNE 6, 1988, AT HER  
REQUEST. Second by Henderson. Passed by the following vote:  
Wolfsheimer-not present, Roberts-yea, McColl-yea, Pratt-not  
present, Struiksma-not present, Henderson-yea, McCarty-yea,  
Filner-yea, Mayor O'Connor-yea.  
MOTION BY HENDERSON TO CONTINUE SUBITEM C TO JUNE 28, 1988, AT  
10:00 A.M., AT HIS REQUEST. Second by McCarty. Passed by the  
following vote: Wolfsheimer-not present, Roberts-yea, McColl  
yea, Pratt-not present, Struiksma-not present, Henderson-yea,  
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-332: (R-88-2391 Rev.1) ADOPTED AS RESOLUTION R-271007  
GRANTED APPEAL, GRANTED VARIANCE WITH CONDITIONS

Appeal of The City of San Diego and San Pasqual Vineyards and San Diego Winery, Partners, from the decision of the Board of Zoning Appeals in failing to grant or deny a variance to enlarge a winery where such use is permitted by Conditional Use Permit only. The subject property is located at 13455 San Pasqual Road in the A-1-10 Zone in the San Pasqual Valley Community Plan area and is more particularly described as Rancho San Bernardo (Oaks Tract). (Case C-19859. District-1.)

Adoption of a Resolution granting or denying the appeal and granting or denying the variance with appropriate findings to support Council action.

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FILE LOCATION: ZONE Zoning Appeals Case C-19859

COUNCIL ACTION: (Tape location: C066-E392.)

Hearing began at 2:39 p.m. and halted at 4:27 p.m.

Council Members Pratt and Filner arrived at 2:44 p.m.

Council Member McColl arrived at 2:55 p.m.

Testimony in favor by Douglas Bravin, Frank Quintana, Steve Feinberg, Milton Fredman, Jack Jaeger, Paul Thomas, Charles Fruehlich, Norman Blumenthal and Lynne Heidel.

Testimony in opposition by Dr. William Barnett, Authur McCullough, Shellie Lindstrom and Betty Dean McKittrick.

Motion by McCarty to allow no retail sale on the property.

Second by Filner. Failed by the following vote:

Wolfsheimer-not present, Roberts-nay, McColl-nay, Pratt-nay, Struiksma-nay, Henderson-nay, McCarty-yea, Filner-yea, O'Connor-nay.

Motion by McCarty to limit the events on the property to those which are educational and pertain to the growing of grapes and the production of wine. Second by Filner. Failed by the following vote: Wolfsheimer-not present, Roberts-nay, McColl-nay, Pratt-nay, Struiksma-nay, Henderson-not present, McCarty-yea, Filner-yea, O'Connor-nay.

Motion by McCarty to set the hours of operation at 11:00 a.m. to 6:00 p.m. in the winter and 11:00 a.m. to 8:30 p.m. in the summer. Second by Filner. Failed by the following vote:

Wolfsheimer-not present, Roberts-nay, McColl-nay, Pratt-nay, Struiksma-nay, Henderson-not present, McCarty-yea, Filner-yea, O'Connor-nay.

MOTION BY STRUIKSMA TO GRANT THE APPEAL AND GRANT THE VARIANCE WITH THE FOLLOWING CONDITIONS: (1) THE WINERY WILL HAVE THE OPERATING HOURS OF 9:00 A.M. TO 6:00 P.M. IN THE WINTER AND 9:00 A.M. TO 8:30 P.M. IN THE SUMMER; (2) THE BUILDING WILL NOT

EXCEED 3500 SQUARE FEET. THIS SQUARE FOOTAGE WOULD INCLUDE THE OFFICES AND LAVATORIES (WHICH ARE NOW TRAILERS), AND THE REMOVAL OF THE TRAILERS ON THE PREMISES. THE TASTING ROOM ALONE SHALL NOT EXCEED 1581 SQUARE FEET; (3) THE SALE OF WINE GLASSES, T-SHIRTS, HATS, ETC... SHALL BE PERMITTED; (4) SECURITY LIGHTING SHALL BE CONTROLLED AND FOCUSED SO THAT IT FALLS ONLY ON THE SUBJECT PROPERTY AND DOES NOT AFFECT ADJACENT PROPERTIES; (5) THERE WILL BE A LIMIT OF FOUR PUBLIC EVENTS PER YEAR ALLOWED (THIS INCLUDES EVENTS SUCH AS RUNS, WINE STAMPS AND WINE TASTING CONTESTS); (6) A LANDSCAPING PLAN WILL BE IMPOSED BY THE PLANNING DIRECTOR AND RETURN TO COUNCIL FOR APPROVAL; (7) ADEQUATE PARKING WILL BE PROVIDED AND CONTROLLED; (8) NO ADDITIONAL BUILDINGS WILL BE CONSTRUCTED WITHOUT ACCESS ROADS WHICH WILL NEED COUNCIL APPROVAL AS OPPOSED TO MANAGERIAL APPROVAL AND; (9) ALL GENERATORS, AIR CONDITIONERS, FANS, ETC... SHALL COMPLY WITH NOISE ABATEMENT STANDARDS. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, McColl-yea, Pratt-yea, Struiksmayea, Henderson-nay, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

ITEM-333: CONTINUED TO JULY 19, 1988 AT 2:00 P.M. TIME CERTAIN

(Continued from the meetings of November 10, 1987, Item 335, January 26, 1988, Item 338, and March 15, 1988, Item 333; last continued at Pam Hamilton's request, for additional review by Centre City Development Corporation staff.)

Matters of:

- A) Approval of the Marina Planned District Ordinance, and the Second Amendment to the Centre City San Diego Community Plan which incorporates the Marina Urban Design Plan and Development Guidelines and the revised Streetscape Design Manual Technical Supplement as part of the Centre City San Diego Community Plan.
- B) Certification of the final Master Environmental Impact Report for the Centre City Redevelopment projects as it pertains to the above actions.

The Marina Planned District Ordinance establishes regulations for the development of specific land uses by right and others by Conditional Use Permit and designation of Floor Area Ratios and Height of Buildings by Block.

The Second Amendment to the Centre City Plan is to bring this Plan into conformance with respect to land use, FAR and height specified by the Marina Planned District Ordinance as follows:

- 1) The Marina Urban Design Plan establishes the

framework for Land Use, Open Space, Circulation,  
Landscaping and Heritage Conservation;

2) The Development Guidelines deal with specific  
design and building features;

3) The Streetscape Design Manual, Technical  
Supplement adds specific language in regard to lights,  
trees and sidewalk treatment for the Marina area which  
was not identified in the original document.

(District-8.)

Subitem-A: (O-88-66)

Introduction of an Ordinance for the Marina Planned  
District.

Subitem-B: (R-88-655)

Adoption of a Resolution amending the Centre City Community  
Plan.

FILE LOCATION: LAND - Centre City Community Plan

COUNCIL ACTION: (Tape location: F059-668.)

Hearing began at 4:40 p.m. and halted at 5:22 p.m.

Testimony in favor of the continuance by Dave Engel.

Testimony in opposition to the continuance by Dan Morris, Murray  
Galinson, Emmanuel Savitch, Bill Sales, Gilda Servetter, Marilyn  
Yick and Mark Steele.

MOTION BY HENDERSON TO CONTINUE TO JULY 19, 1988 AT THE REQUEST  
OF PAM HAMILTON TO ALLOW CENTRE CITY DEVELOPMENT CORPORATION  
AND

THE PLANNING COMMISSION TIME TO REVIEW THIS. Second by Roberts.

Passed by the following vote: Wolfsheimer-not present,

Roberts-yea, McColl-not present, Pratt-yea, Struiksmay-yea,

Henderson-yea, McCarty-nay, Filner-nay, Mayor O'Connor-yea.

ITEM-334: (R-88- ) NOTED AND FILED AS A RESULT OF THE  
OWNER WITHDRAWING THE APPLICATION

(Continued from the meeting of May 3, 1988, Item 334B, at  
Deputy Mayor McColl's request, for a report from the  
Planning Department regarding availability of an  
allocation.)

A variance request from the Interim Development Ordinance  
(IDO) for a 2-unit project (includes proposed units and any  
existing units to remain). The subject property is located  
at 4757 Kensington Drive in the R-3000 Zone in the Mid-City  
Community Plan area and is more particularly described as

Lot 3, Block 16, Kensington Park, Map-1245.

Case-87-4004 (Accelerated) (District-3.)

Adoption of a Resolution granting or denying the variance request for Case-87-4004 with appropriate findings to support Council action.

FILE LOCATION: ZONE IDO Variance Case-87-4004

COUNCIL ACTION: (Tape location: E553-556.)

MOTION BY PRATT TO NOTE AND FILE. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-335: (R-88-2504) ADOPTED AS RESOLUTION R-271008 GRANTING THE VARIANCE

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(Continued from the meeting of May 3, 1988, Item 334,

Subitem C, at Council Member Henderson's request, for a report from the Planning Department on how the project relates to the standards for the preservation of single-family neighborhoods and for recommendations from the Pacific Beach Planning Group.)

A variance request from the Interim Development Ordinance (IDO) for a 5-unit project (includes proposed units and any existing units to remain). The subject property is located at 1537 Reed Avenue in the R-1500 zoned site in the Pacific Beach Community Plan area and is more particularly described as Lots 9, 10, and 11, Block 286, Map-923.

Case-88-4084 (Accelerated) (District-6.)

Adoption of a Resolution granting or denying the variance request for Case-88-4084 with appropriate findings to support Council action.

FILE LOCATION: ZONE IDO Variance Case-88-4084

COUNCIL ACTION: (Tape location: E556-652.)

Hearing began at 4:34 p.m. and halted at 4:40 p.m.

MOTION BY HENDERSON TO GRANT THE VARIANCE. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S410: (R-88-1843) ADOPTED AS RESOLUTION R-271009

Inviting bids for the purchase of a lifeguard surf rescue



vessel, trailer and canvas boat cover; authorizing the execution of a contract with the lowest responsive and responsible bidder; authorizing the expenditure of an amount not to exceed \$47,700 from Allocated Reserve Fund 901 for providing funds for said project and related costs; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.  
(BID-9750)

CITY MANAGER SUPPORTING INFORMATION: In its FY 1987 budget the Park and Recreation Department was authorized to purchase a replacement lifeguard surf rescue vessel, trailer and canvas boat cover. Concurrently a study was being done to determine if standardization of the fleet of lifeguard vessels was possible. The study determined that standardization of the surf rescue boats and bay patrol boats was not only possible, but would better meet the lifeguard service's need for standardized training and boat maintenance. Monies allocated in Park and Recreation Department's budget for the surf rescue vessel and accessories were deposited in the Allocated Reserve Fund until the study was complete. The study is complete; the specifications meet the requirements of the Park and Recreation Department for both surf rescue and bay patrol.  
Aud. Cert. 8800989.

FILE LOCATION: MEET CONTFY88-1

COUNCIL ACTION: (Tape location: C014-066.)

MOTION BY HENDERSON TO APPROVE TODAY'S INVITATION FOR BIDS, AND TO DIRECT THE CITY MANAGER TO PROVIDE FOR THE PURCHASE OF ONE SPARE INTERCHANGEABLE OUTBOARD MOTOR AT A COST OF ABOUT \$6,000 TO \$8,000; ADOPT A SEVEN YEAR REPLACEMENT SCHEDULE FOR THIS BOAT AND FUTURE HARBOR PATROL VESSEL PURCHASES WITH THE

UNDERSTANDING

THAT THE STUDY SHALL BE DONE IMMEDIATELY; ADOPT A COUNCIL DIRECTIVE THAT STANDARDIZATION OF HARBOR PATROL AND LIFEGUARD VESSELS BE PURSUED WITH AN EMPHASIS ON INTERCHANGEABLE OUTBOARD BOATS (EXCEPT FOR THE MUCH LARGER FIRE FIGHTING BOATS LIKE THE ALERT); AND DIRECT THE CITY MANAGER TO REPORT TO PS&S COMMITTEE ON WEDNESDAY, MAY 18, 1988 ON A PROMPT REPLACEMENT SCHEDULE FOR THE TWO HOPELESSLY OUTDATED 1973 LIVE-SAVE BOATS. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, McColl-not present, Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S500: PROCLAIMED

Proclaiming May 15-21 to be "Public Works Week" in San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B415-435.)

ITEM-CS-1: (R-88-2330) ADOPTED AS RESOLUTION R-271012

A Resolution adopted by the City Council in Closed Session on May 17, 1988:

Authorizing the City Manager to pay the sum of \$28,500.00 for the settlement of every claim against the City of San Diego, Superior Court No. 535849, resulting from the personal injuries to Dianna Bandak-Moe; authorizing the City Auditor and Comptroller to issue one check in the amount of \$28,500.00 payable to Dianna Bandak-Moe, and her attorney, Lee Morrison, in full settlement of all claims.

FILE LOCATION: MEET

Aud.Cert. 8801007

ITEM-CS-2: (R-88-2329) ADOPTED AS RESOLUTION R-271013

A Resolution adopted by the City Council in Closed Session on May 17, 1988:

Authorizing the City Manager to pay the sum of \$22,500.00 for the settlement of every claim against the City of San Diego, Superior Court No. 568779, resulting from the personal injuries to Elizabeth J. Peterson; authorizing the City Auditor and Comptroller to issue one check in the amount of \$22,500.00 payable to Elizabeth J. Peterson, and her attorney, Charles W. Primeau, in full settlement of all claims.

FILE LOCATION: MEET

Aud.Cert. 8801008

ITEM-CS-3: (R-88-2347) ADOPTED AS RESOLUTION R-271014

A Resolution adopted by the City Council in Closed Session on May 17, 1988:

Authorizing the City Manager to pay the sum of \$47,000.00 for the settlement of every claim against the City of San Diego, Superior Court No. 80-0822-G(btm), resulting from the claim of Rodney L. Belle; authorizing the City Auditor and Comptroller to issue one check in the amount of \$47,000.00 payable to Rodney L. Belle, and his attorney,

Michael Crowley, in full settlement of all claims.  
FILE LOCATION: MEET  
Aud.Cert. 8801006

NON-DOCKET ITEMS:  
NONE.

PUBLIC COMMENT:  
NONE.

ADJOURNMENT:  
By common consent, the meeting was adjourned by Mayor  
O'Connor at 5:55 p.m.

FILE LOCATION: MEET  
COUNCIL ACTION: (Tape location: G492).